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Attorneys for Defendants  
Wyeth Pharmaceuticals, a Division of Wyeth, Walter  
Wardrop, and Michael McDermott  
**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER  
WARDROP, ANDREW SCHASCHL, and  
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (RCC)(DFE)

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the attached Rule 56.1 Statement of Undisputed Facts, the Declarations of James H. McQuade, John Simpson, Kirit Rokad, Kevin Costello, Max Katz, Andrew Espejo, Joanne Rose, Andrew Schaschl, Peter Bigelow, and Walter Wardrop, and all of the exhibits attached thereto, the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment, and all prior pleadings and proceedings herein, Defendants Wyeth Pharmaceuticals, a Division of Wyeth, Michael McDermott, and Walter Wardrop ("Defendants") will move this Court, before the Honorable Richard Conway Casey, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time convenient for the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an order granting Defendants' motion for summary judgment dismissing this action in its entirety.

Dated: New York, New York  
October 30, 2006

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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